

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CARL S. JONES JR.,)	
)	
Plaintiff,)	Civil Action No. 21-1094
)	
v.)	District Judge Joy Flowers Conti
)	Magistrate Judge Lisa Pupo Lenihan
)	
COUNTY OF ALLEGHENY and)	
ORLANDO L. HARPER,)	ECF No. 14
)	
Defendants.		

REPORT AND RECOMMENDATION

I. RECOMMENDATION

It is respectfully recommended that the Motion for Preliminary Injunction filed by Plaintiff Carl S. Jones Jr. (ECF No. 14) be denied.

II. REPORT

This case is before the Court on Plaintiff's Motion for a Preliminary Injunction (ECF No. 14.) In his motion, Plaintiff requests that the Court grant him a preliminary injunction consisting of single cell status at SCI-Smithfield to prevent him from being exposed to COVID-19.

The party seeking preliminary injunctive relief has the burden of demonstrating: (1) a reasonable probability of success on the merits; (2) irreparable harm if the injunction is denied; (3) that the issuance of an injunction will not result in greater harm to the non-moving party; and (4) that the public interest would best be served by granting the injunction. *Council of Alt. Political Parties v. Hooks*, 121 F.3d 876, 879 (3d Cir. 1997); *Clean Ocean Action v. York*, 57 F.3d 328, 331 (3d Cir. 1995); *Opticians Ass'n of America v. Indep. Opticians of America*, 920

F.2d 187, 191-92 (3d Cir. 1990). The Court should issue the injunction only if the movant produces evidence sufficient to convince the trial judge that all four factors favor preliminary relief. *Opticians*, 920 F.2d at 192 (citing *ECRI v. McGraw-Hill, Inc.*, 809 F.2d 223, 226 (3d Cir. 1987)).

The purpose of the preliminary injunction is to preserve the status quo until the rights of the parties can be fairly and fully litigated and determined by strictly legal proofs and according to the principles of equity. *Wetzel v. Edwards*, 635 F.2d 283, 286 (4th Cir. 1980). Thus, the grant of injunctive relief is an “extraordinary remedy which should be granted only in limited circumstances.” *American Tel. & Tel. Co. v. Winback and Conserve Program, Inc.*, 42 F.3d 1421 (3d Cir. 1994) (quoting *Frank’s GMC Truck Center, Inc. v. General Motor Corp.*, 847 F.2d 100, 102 (3d Cir. 1988)), *cert. denied*, 514 U.S. 1103 (1995). The facts clearly must support a finding that immediate and irreparable injury will result to the movant if preliminary relief is denied. *See United States v. Stazola*, 893 F.2d 34, 37 n.3 (3d Cir. 1990). The plaintiff bears the burden of establishing a “clear showing of irreparable injury.” *Hohe v. Casey*, 868 F.2d 69, 72 (3d Cir. 1989), *cert. denied*, 493 U.S. 848 (1989); *ECRI*, 809 F.2d at 226 (it is not enough to merely show irreparable harm; the plaintiff has the burden of showing immediate irreparable injury, which is more than merely serious or substantial harm and which cannot be redressed with money damages). Absent a showing of immediate, irreparable injury, the court should deny preliminary injunctive relief. *Acierno v. New Castle Cnty.*, 40 F.3d 645, 655 (3d Cir. 1994).

Moreover, in the prison context, a request for injunctive relief “must always be viewed with great caution because ‘judicial restraint is especially called for in dealing with the complex and intractable problems of prison administration.’” *Goff v. Harper*, 60 F.3d 518, 520 (8th Cir. 1995) (quoting *Rogers v. Scurr*, 676 F.2d 1211, 1214 (8th Cir. 1982)). Where a plaintiff requests

an injunction that would require the Court to interfere with the administration of a prison, “appropriate consideration must be given to principles of federalism in determining the availability and scope of equitable relief.” *Rizzo v. Goode*, 423 U.S. 362, 379 (1976). The federal courts are not overseers of the day-to-day management of prisons. Prison officials require broad discretionary authority as the “operation of a correctional institution is at best an extraordinarily difficult undertaking.” *Wolff v. McDonnell*, 418 U.S. 539, 566 (1974). Accordingly, prison administrators should be accorded wide-ranging deference in the adoption and execution of policies and practices that are needed to preserve internal order and to maintain institutional security. *Beard v. Banks*, 548 U.S. 521, 528 (2006); *Bell v. Wolfish*, 441 U.S. 520, 527 (1979).

With the above considerations in mind, Plaintiff has not demonstrated that preliminary injunctive relief is warranted in this case. Plaintiff’s allegations concern conditions that he now faces at SCI-Smithfield rather than at the ACJ, and therefore, constitute an impermissible basis for seeking injunctive relief.¹ That is, the issuance of a preliminary injunction is to preserve the status quo and prevent irreparable harm until the court has an opportunity to rule on the merits of

¹ See, e.g., *Devose v. Herrington*, 42 F.3d 470, 471 (8th Cir. 1994) (finding that because plaintiff’s motion was based on new assertions of mistreatment that are entirely different from the claim raised and the relief requested in the original lawsuit, they cannot provide the basis for a preliminary injunction); *Spencer v. Stapler*, No. 04-1532, 2006 WL 2052704, at *9 (D. Ariz. July 21, 2006) (denying plaintiff’s motion for injunctive relief because it concerns events unrelated to the subject of his complaint and concerns conduct of persons other than the named defendants); *Westbank Yellow Pages v. BRI, Inc.*, No. 96-1128, 1996 WL 255912, at *1 (E.D. La. May 13, 1996) (determining that a preliminary injunction is not an appropriate vehicle to obtain relief that is not sought in the underlying action); *Williams v. Platt*, No. CIV-03-281, 2006 WL 149024, at *2 (W.D. Okla. Jan. 18, 2006) (concluding that “[a] preliminary injunction would be inappropriate to address wrongs wholly unrelated to the complaint”).

the pending lawsuit. *See Acierno*, 40 F.3d at 647. If Plaintiff seeks relief against officials at SCI-Smithfield², he must file a civil action against them. As such, the Motion should be denied.

III. CONCLUSION

For the above reasons, it is respectfully recommended that the Motion for Preliminary Injunction filed by Plaintiff Carl S. Jones Jr. (ECF No. 14) be denied.

Dated: October 4, 2021

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Lisa P. Lenihan', written over a horizontal line.

Lisa Pupo Lenihan
UNITED STATES MAGISTRATE JUDGE

cc: Carl S. Jones Jr.
QK9540
SCI Camp Hill
P.O. Box 8837
2500 Lisburn Road
Camp Hill, PA 17001

² Only an ACJ official and Allegheny County are named Defendants in the case at bar. Importantly, on September 27, 2021, the Clerk of Court docketed Plaintiff's Notice of Change of Address (ECF No. 34) indicating that on September 21, 2021, Plaintiff was removed from SCI Smithfield and transferred to SCI Camp Hill.